

**25067. Misbranding of Kurlene Eyelash Grower. U. S. v. 69 Packages of Kurlene Eyelash Grower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31893. Sample no. 29780-A.)**

Examination of the article seized in this action disclosed that it did not contain any ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed for it in a circular enclosed in the package.

On January 26, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 packages of the said Kurlene Eyelash Grower at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 7, 1933, by the Kurlash Co., from Rochester, N. Y., to Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mercuric oxidé, salicylic acid, and petrolatum with a small amount of vanillin.

It was alleged in the libel that the article was misbranded in that circulars enclosed in the packages contained the following statements regarding the curative or therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small circular) "Originally the formula was perfected by a few medical men of Germany to combat a serious epidemic of granulated eyelids among the inhabitants of the community where they lived and which was leaving many without a trace of eyelashes. Not only did this marvelous preparation restore the eyelashes to the suffering people in that community but it gave relief to the sore and granulated lids as well"; (large circular) "Kurlene \* \* \* by overcoming dandruff like flakes or granulated condition."

On September 18, 1935, no claimant having appeared, a judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25068. Misbranding of Pheno-Cosan. U. S. v. 43 Packages of Pheno-Cosan. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 31961. Sample no. 33322-A.)**

The carton containing the drug involved in this action bore an inaccurate statement, viz, that each jar thereof contained 1 ounce. Upon examination of the drug it was found that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the jar label and carton and in a circular within its package.

On February 10, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 packages of the said Pheno-Cosan at Birmingham, Ala., alleging that the article had been shipped on or about August 15, 1933, by the Whitney Payne Corporation, from New York, N. Y., into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whitney Payne Corporation Penlllyn, Pa. New York, N. Y."

Analysis showed that the article contained small proportions of a mercury compound, a salicylate, and tar, incorporated in an ointment base of fatty acids (25 percent) and water (75 percent). Other investigation showed that the weight of the contents of two of the packages (jars) was 0.56 and 0.68 ounce, respectively.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "1 Oz. size", was false and misleading, and in that the following statements regarding the curative and therapeutic effects of the article, borne on the jar label and carton and appearing in a circular within its package, were false and fraudulent: (Jar label) "For Acute and Chronic Eczema \* \* \* Eczema (also known as Tetter, Salt Rheum, Scaly Head, etc.) \* \* \* are promptly eliminated by Pheno-Cosan. \* \* \* Directions In eczema and other skin conditions \* \* \* For \* \* \* sores, etc." (carton) "For Local treatment of Acute and Chronic Eczema"; (circular) "In Infant Cases Indicated in Acute or Chronic Eczema, Impetigo, \* \* \* and Pruritis arising from Diabetes, Measles, or from any other cause. Applica-